

## **EXHIBIT A**

**Exhibit A to Plaintiffs' Amended Motion for Modification and Enforcement of Consent Decree**

**REMEDIAL MEASURES proposed by Plaintiffs' corrections expert Eldon Vail:**

**I.     *Protection from Harm***

**Issue:** Emergency Response Plan is insufficient.

**1.** No documented training or written instruction for Incident Commanders or other section chiefs on their responsibilities during an emergency.

**Remedy:** Provide documented training and written instruction to prepare and guide Incident Commanders and other section chiefs. Develop Emergency Post Orders or checklists for Incident Commanders and other section chiefs..

**2.** Site specific, realistic contingency plans are not fully developed.

**Remedy:** Develop contingency plans for all emergencies with a focus on developing a plan for regaining control of a living unit.

**3.** Insufficient training and written instruction for all staff in emergency procedures.

**Remedy:** Provide documented training for all correctional staff in emergency procedures with a focus in the Annual Training Plan for 2015 on instructing staff in how to respond when control of living units is lost.

**4.** Policy that requires identification of first responders on the daily staff roster is not followed.

**Remedy:** Ensure Shift Commanders follow this policy by indicating first responders on the daily staff roster and by notifying those identified as first responders of their role during the upcoming work shift.

**5.** The Emergency Reponse Plan does not reflect changes since April 2013 in the population of each of the living units.

**Remedy:** Update the Emergency Response Plan.

**Issue:** Unit staff coverage is insufficient.

**Remedy:** See Staffing section below

**Issue:** Dangerous tools and supplies are not secure.

**Remedy:** Develop secure location to store mops, brooms and other items when not in use.

**Issue:** Close custody inmates should not be housed at Walnut Grove.

**Remedy:** Maintain current practice of not housing close custody inmates.

**Issue:** As a result of my January 2015 site visit I have concerns that MTC may not be following the PREA guidelines.

**Remedy:** Until the discovery I request for related documents has been produced, as promised by MDOC, I cannot propose a remedy.

## **II. *Physical Plant Security Concerns***

**Issue:** Cell doors are not secure. Cell door locking problems have not been thoroughly reviewed and corrected. MTC has corrected the problem with the sliding doors in Units 3 and 4. However, in all units, including 3 and 4, cell doors may still be compromised by blocking the lock in the door. When this occurs, it does not always show the door as open in the officer's console in the tower control booth..

**Remedy:** Retain an outside security expert to inspect cell doors and the connection to tower consoles in all units. Correct any and all problems identified.

**Issue:** Emergency Call buttons are missing and/or dysfunctional.

**Remedy:** Retain an outside security expert to inspect emergency call buttons in all units. Correct any and all problems identified.

**Issue:** Lack of detention hardware, including lights and interior fences.

**Remedy:** Retain outside security expert to inspect facility, identify problems and have them corrected.

## **III. *Programming***

**Issue:** Idleness—roughly half the inmates have no meaningful program, less than 15% have sufficient program.

**Remedy:** Provide sufficient programs so that 80% of the population is engaged in program activities 20 hours per week (not including recreation activities.)

## **IV. *Staffing***

**Issue:** Unit C.O. staffing required by contract is insufficient.

**Remedy:** Establish Mandatory Posts to provide for one officer in each zone when inmates are out of cells. Provide written direction to staff by memo and in post orders that requires them to stay in the zones until relief is provided. Document in logs when such events occur.

**Issue:** MDOC's contract with MTC does not require a sufficient number of sergeants.

**Remedy:** Establish Mandatory Posts for two 8/5 sergeants per general population housing unit.

**Issue:** Staff turnover rates have historically been high.

**Remedy:** Maintain sufficient staff to fill mandatory posts.

**Issue:** Staff competence in basic correctional skills is not sufficient.

**Remedy:** 1) The Field Training Officer (FTO) Program has no written foundation. Complete the FTO manual and fully implement the program.  
2) Include instruction in Direct Supervision for 2015 In Service Training plan.

**Issue:** The Supervisory Development Program (SDP) training material does not include a corrections component

**Remedy:** Supplement the SDP training with a corrections component that reflects current issues in the institution such as enforcing the requirement that officers stay in the zone, correcting the multiple use of force and emergency response problems, contraband control and management of gangs within the institution.

## **V. *Use of Force***

**Issue:** Multiple dangerous Use of Force procedures and practices.

1. Review process for individual Use of Force incident procedures is not sufficient.

**Remedy:** Under the specific direction of Monitor Martin, revise use of force form to identify critical elements for review in each incident. Identify any problems in each UOF event and ensure follow-up with written documentation to be included in each use of force packet

2. Monthly review of Use of Force events is not meaningful.

**Remedy:** Tabulate the nature and number of UOF problems and/or best practices from the individual incident Use of Force packets, share with all correctional supervisors and provide training to staff as necessary.

3. Insufficient staff for planned use of force (PUOF) events.

**Remedy:** Require sufficient staff in a PUOF.

4. Staff not properly equipped in PUOF

**Remedy:** Provide sufficient protective equipment for a PUOF, including respirators.

5. Poor documentation of UOF events on camera.

**Remedy:** In a PUOF, require camera coverage from the beginning of the event (with comments by ranking supervisor introducing and concluding the event) until the inmate is placed safely back in a cell. In a

spontaneous use of force (SUOF) event, require same, absent the introduction.

**6.** No written protocol for decontamination from OC spray

**Remedy:** Develop written protocol to include, whenever possible, exposure to cool running water in a shower for a minimum of 5 minutes prior to escort to medical. Decontamination should be on camera.

**7.** Inconsistent decontamination of cells after spray events.

**Remedy:** Develop written protocol for cell decontamination and require documentation in use of force reports.

**8.** Escorts to medical require unnecessary and potentially dangerous movement of the inmate long distances to medical facility.

**Remedy:** Require medical staff to respond to the area of a PUOF event before the fact, in a SUOF, after the fact. Then escort to medical only as necessary.

## **VI. *Gang Management***

**Issue:** Gangs have too much control and influence in the prison

**Remedy:** 1) Inform and alert staff and inmates that inmate “security escorts” are not allowed and enforce the prohibition. 2) Engage staff in structured, on going conversation (such as staff meetings and by expectation for supervisors to engage with subordinates) about other ways gangs creates security concerns. Document these efforts including corrective actions implemented and respond with corrective actions. Create on going written record for review by MDOC and the monitors.

## **VII. *Monitoring***

**Issue:** MDOC has not required MTC to follow the department policy to complete an after-action review of an incident of the magnitude of July 10, 2013.

**Remedy:** Require MTC to complete the after action review.

**Issue:** MDOC monitoring has not been sufficient.

**Remedy:** For the final list of remedies, MDOC should develop a checklist to see that all items are completed.